

**TITLE 16 CALIFORNIA CODE OF REGULATIONS
SUMMARY OF CHANGES**

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TITLE 16 CALIFORNIA CODE OF REGULATIONS SUMMARY OF CHANGES

Enclosed is the text of the Title 16 California Code of Regulations (16CCR), Division 19, “Structural Pest Control Board” related to the pesticide regulatory program in California.

The following sections of 16CCR were amended, adopted, or repealed from 4/2006 through 1/06/2009.

16 CCR Section	Action Taken	Date Effective	Reference
		2009	
1937(c)	Amended	4/19/2009	IPM Requirement
1950	Amended	4/19/2009	IPM Requirement
1950.5(m)	Added	4/19/2009	IPM Requirement
1953(3)(D)	Deleted	4/19/2009	Reference to Form
1953(3)(E)	Renumbered to (3)(D)	4/19/2009	Reference to Form
Table of Contents	Correction		Left out of last edition
		2008	
1984	Adopted	8/8/2008	Structural IPM Def
1970	Amended	5/29/2008	Fume Log
1970.4	Amended	5/29/2008	OFN
1973	Amended	5/29/2008	Re-Entry Notice
		2007	
None			
		2006	
1922	Amended	9/24/2006	SCP Fine Levels
		1/1 – 9/24	Included in previous version

An electronic link to the complete Title 16 California Code of Regulations is available on the Structural Pest Control Board website: <http://www.pestboard.ca.gov> under the Reference Link “View Laws and Regulations” or “Forms and Publications/Structural Pest Control Act”

If you have any questions please contact the Enforcement Branch Liaison assigned to your county.

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§1937. Qualification of Applicant., continued

(c) Specific minimum requirements of training and experience are accorded to the branch or branches for which the applicant is applying, as follows:

- | | |
|-----------------|--|
| Branch 1 | A minimum of one hundred hours of training and experience in preparation, fumigation, ventilation, and certification required. |
| Branch 2 | A minimum of forty hours of training and experience, twenty hours of which are actual field work, required. The minimum hour requirement must include training and experience in Integrated Pest Management as defined in section 1984, and the impact of structural pest control services on water quality. |
| Branch 3 | A minimum of one hundred hours of training and experience, eighty hours of which are actual field work, required. The minimum hour requirement must include training and experience in Integrated Pest Management as defined in section 1984, and the impact of structural pest control services on water quality. |

NOTE: Authority cited: Section 8525, Business and Professions Code.

Reference: Sections 8560, 8562 and 8564, Business and Professions Code.

HISTORY

1. New subsection (d) filed 3-15-79; effective thirtieth day thereafter (Register 79, No. 11).
2. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
3. Amendment of subsection (b) filed 3-23-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 13).
4. Amendment filed 6-21-89; operative 7-21-89 (Register 89, No. 25).
5. Editorial correction restoring HISTORY 4. and correct text (Register 91, No. 45).
6. Amendment of subsection (a) and new subsection (c) filed 8-13-98; operative 9-12-98 (Register 98, No. 33).

§1937.1. Substantial Relation Criteria.

For the purposes of denial, suspension or revocation of a license or company registration pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensee or registered company under Chapter 14 of Division 3 of the code if to a substantial degree it evidences present or potential unfitness of such licensee or registered company to perform the functions authorized by the license or company registration in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to, the following:

- (a) Any violation of the provisions of Chapter 14 of Division 3 of the code.
- (b) Commission of any of the following in connection with the practice of structural pest control:
 - (1) Fiscal dishonesty
 - (2) Fraud

(3) Theft

(4) Violations relating to the misuse of pesticides.

NOTE: Authority cited: Sections 481 and 8525, Business and Professions Code.

Reference: Sections 8525, 8568, 8620 and 8646, Business and Professions Code

HISTORY

1. Repealer and new section filed 3-14-75; effective thirtieth day thereafter (Register 75, No. 11). For history of former section, see Register 73, No. 14.
2. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
3. Amendment of first paragraph only filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).

§1937.2. Criteria for Rehabilitation.

(a) When considering the denial of a structural pest control license or company registration under Section 480 of the Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his or her or its present eligibility for a license or company registration will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of a structural pest control license or company registration on the grounds that the licensee or registered company has been convicted of a crime, the board, in evaluating the rehabilitation of such person or company and his or her or its present eligibility for a license or company registration will consider the following:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee or registered company has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee or registered company.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

§1937.2. Criteria for Rehabilitation., continued

(6) Evidence, if any of rehabilitation submitted by the licensee or registered company.
(c) When considering a petition for reinstatement of a structural pest control license or company registration, the board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

NOTE: Authority cited: Sections 475, 476, 480-482, 484-487 and 8525, Business and Professions Code. Reference: Sections 475, 476, 480-482, 484-487 and 8525, Business and Professions Code.

HISTORY

1. Repealer and new section filed 3-14-75; effective thirtieth day thereafter (Register 75, No. 11). For history of former section, see Register 73, No. 14.
2. Amendment filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).

§1937.11 Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the board shall consider the disciplinary guidelines entitled "A Manual of Disciplinary Guidelines and Model Disciplinary Orders" [1991] which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the board and/or administrative law judges in its/his or her discretion determines that the facts of the particular case warrant such a deviation -- for example: the presence of mitigating factors; the age of the case; evidentiary problems.

NOTE: Authority cited: Section 8525, Business and Professions Code, Section 11425.50(e), Government Code. Reference: Section 11425.50(e), Government Code, and Sections 8620, 8635, 8636, 8637, 8638, 8639, 8640, 8641, 8642, 8643, 8644, 8645, 8646, 8646.5, 8647, 8648, 8649, 8650, 8651, 8652, 8653, 8654, 8655 and 8657, Business and Professions Code.

HISTORY

1. New section filed 4-14-97; operative 5-14-97 (Register 97, No. 16).

§1937.12. Conditions of Probation.

(a) Whenever a proposed decision places a licensee or registered company on probation as a condition of staying a revocation or staying all or any portion of a suspension, the order granting such probation shall include at least the following conditions:

- (1) That the licensee or registered company shall file quarterly reports with the board during the period of probation;

§1937.12. Conditions of Probation., continued

(2) Such other terms and conditions as may be appropriate in light of the number and nature of the violations proven.

(b) Nothing in this regulation shall deprive the board of its authority to modify or delete any term or condition of probation contained in a proposed decision submitted by an administrative law judge.

NOTE: Authority cited: Sections 8525 and 8620, Business and Professions Code.

Reference: Section 8620, Business and Professions Code.

HISTORY

1. New section filed 7-3-80; effective thirtieth day thereafter (Register 80, No. 27).
2. Amendment of subsection (a) filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).

§1937.13. Posting Notice of Suspended Company Registration.

A registered company whose registration is suspended shall post in a place conspicuous to the public a notice provided by the Board that its registration is under suspension. The notice shall be posted at each and every office that is under the suspension order.

NOTE: Authority cited: Section 8525, Business and Professions Code.

Reference: Sections 8525, 8620 and 8624, Business and Professions Code.

HISTORY

1. New section filed 5-19-78; effective thirtieth day thereafter (Register 78, No. 20).
2. Amendment filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).

§1937.14. Quality of Work Completed.

All work completed by licensees or registered companies shall be done within the specific requirements of any plans or specifications and shall meet accepted trade standards for good and workmanlike construction in any material respect, and shall comply with provisions of Section 2516(c)(1), (2), (4) and (6) of Title 24, California Code of Regulations.

NOTE: Authority cited: Section 8525, Business and Professions Code.

Reference: Sections 8525, 8635 and 8636, Business and Professions Code.

HISTORY

1. New section filed 5-19-78; effective thirtieth day thereafter (Register 78, No. 20).
2. Amendment of NOTE filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
3. Amendment filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).
4. Amendment filed 3-6-95; operative 4-5-95 (Register 95, No. 10).

§1948. Fees., continued**HISTORY**

7. Amendment filed 3-24-87; effective thirtieth day thereafter (Register 87, No. 13).
8. Amendment filed 9-19-88; operative 10-19-88 (Register 88, No. 39).
9. Amendment filed 9-19-90; operative 10-19-90 (Register 90, No. 44).
10. Amendment of subsections (a)(5), (a)(10) and (b) filed 5-18-92; operative 6-17-92 (Register 92, No. 21).
11. Editorial correction of printing error in subsections (a)(14) and (a)(19) (Register 92, No. 21).
12. Amendment of subsection (b) filed 5-17-95; operative 6-16-95 (Register 95, No. 20).
13. Amendment of subsection (b) filed 8-12-96; operative 9-11-96 (Register 96, No. 33).

Article 3.5. Continuing Education
Sections 1950-1953**§1950. Continuing Education Requirements.**

(a) Except as provided in section 1951, every licensee is required, as a condition to renewal of a license, to certify that he or she has completed the continuing education requirements set forth in this article. A licensee who cannot verify completion of continuing education by producing certificates of activity completion, whenever requested to do so by the Board, may be subject to disciplinary action under section 8641 of the code.

(b) Each licensee is required to complete a certain number of continuing education hours during the three year renewal period. The number of hours required depends on the number of branches of pest control in which licenses are held. The subject matter covered by each activity shall be designated as "technical" or "general" by the Board when the activity is approved. Hour values shall be assigned by the Board to each approved educational activity, in accordance with the provisions of section 1950.5.

(c) Operators licensed in one branch of pest control shall complete 16 continuing education hours during each three year renewal period. Operators licensed in two branches of pest control shall complete 20 continuing education hours during each three year renewal period. Operators licensed in three branches of pest control shall complete 24 continuing education hours during each three year renewal period. In each case, a minimum of four continuing education hours in a technical subject directly related to each branch of pest control held by the licensee must be completed for each branch license, a minimum of two hours in Integrated Pest Management as defined in section 1984 must be completed by Branch 2 and/or 3 licensees renewing on or after June 30, 2010, and a minimum of eight hours must be completed from Board approved courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest control related agencies' rules and regulations.

(d) Field representatives licensed in one branch of pest control shall have completed 16 continuing education hours, field representatives licensed in two branches of pest control shall have completed 20 continuing education hours, field representatives licensed in three branches of pest control shall have completed 24 continuing education hours during each three year renewal period. In each case, a minimum of four continuing education hours in a technical subject directly related to each branch of pest control held by the licensee must be completed for each branch of pest control licensed, a minimum of two hours in Integrated Pest Management must be completed by Branch 2 and/or 3 licensees renewing on or after June 30, 2010 and a minimum of eight hours must be completed from Board approved courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest control related agencies' rules and regulations.

§1950 Continuing Education Requirements., continued

(e) For the renewal period ending December 31, 2008, and each subsequent renewal period up to the renewal period ending June 29, 2010, a licensed applicator shall have completed 12 hours of Board approved continuing education. Such continuing education shall consist of eight hours of continuing education covering pesticide application and use, and four hours covering the Structural Pest Control Act and its rules and regulations or structural pest related agencies' rules and regulations.

(f) For the renewal period ending June 30, 2010 and each subsequent renewal period, a licensed applicator shall have completed 12 hours of Board approved continuing education. Such continuing education shall consist of six hours of continuing education covering pesticide application and use, two hours covering Integrated Pest Management, and four hours covering the Structural Pest Control Act and its rules and regulations or structural pest related agencies' rules and regulations.

(g) Operators who hold a field representative's license in a branch of pest control in which they do not hold an operator's license must complete four of the continuing education hours required by section 1950(c) in a technical subject directly related to the branch or branches of pest control in which the field representative's license is held, in order to keep the field representative's license active.

(h) No course, including complete operator's courses developed pursuant to section 8565.5, may be taken more than once during a renewal period for continuing education hours.

NOTE: Authority cited: Section 8525, Business and Professions Code.

Reference: Sections 8560 and 8593, Business and Professions Code.

HISTORY

1. Amendment filed 6-13-91; operative 7-13-91 (Register 91, No. 41).
2. Amendment filed 5-12-94; operative 6-13-94 (Register 94, No. 19).
3. Amendment of subsections (c) and (d) filed 8-12-96; operative 9-11-96 (Register 96, No. 33).
4. Change without regulatory effect amending subsections (c) and (d) filed 4-6-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 14).
5. Change without regulatory effect amending subsections (c)-(e) filed 3-26-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 13).
6. New subsection (e) and subsection relettering filed 3-21-2006; operative 4-20-2006 (Register 2006, No. 12)

§1950.5. Hour Value System.

The following hour values shall be assigned to the educational activities approved by the Board. All educational activities must be submitted to the Board for approval before presentation for continuing education credit, in accordance with section 1953. Each activity approved for technical or rules and regulations continuing education hours must include a written examination to be administered at the end of the course. Examinations administered at the end of the course must consist of ten questions per one hour of instruction, with 40 questions minimum for any activity of instruction of four hours or more. Licensees must obtain a passing score of 70% or better in order to obtain a certificate of course completion. If the examination is failed, the licensee shall be allowed to be reexamined by taking a different examination within sixty days.

(a) Accredited college courses - 10 hours for each 2 semester-unit course; 16 hours for each 3 semester-unit course.

(b) Adult education courses - 6 hours

(c) Professional seminars or meetings - up to a maximum of 6 hours per seminar or meeting. Additional hours may be approved depending on the complexity of the activity and its relevance to new developments in the field of pest control.

(d) Technical seminars or meetings - up to a maximum of 6 hours per seminar or meeting. Additional hours may be approved depending on the complexity of the activity and its relevance to new developments in the field of pest control. Each approved technical seminar or meeting must include an examination to be administered at the end of the course. Licensees must obtain a passing score of 70% or better in order to obtain a certificate of course completion. If the examination is failed, the licensee shall be allowed to be reexamined by taking a different examination within sixty days.

(e) Operators' courses approved by the Board pursuant to section 8565.5 of the code - 1 hour per hour of instruction.

§1950.5. Hour Value System., continued.

(f) Correspondence courses developed by the Board pursuant to section 8565.5 of the code - full credit per branch.

(g) Correspondence courses approved by the Board - hours will be assigned depending on the complexity of the course and its relevance to new developments in the field of pest control.

(h) Association meetings - 1 hour for every hour of instruction up to a maximum of 4 hours per meeting.

(i) Structural Pest Control Board meetings – 1 general hour and 1 rule and regulation hour per meeting, up to a maximum of 4 hours per renewal period (excluding Board Members). This activity is exempt from examination requirements pursuant to this section.

(j) Structural Pest Control Board Committee meetings – 1 hour per meeting, up to a maximum of 2 hours per renewal period (excluding Board Members).

(k) In-house training in technical subjects – 1 hour per hour of instruction.

(l) Board approved Rules and Regulations courses – 1 hour for every hour of instruction.

(m) Integrated Pest Management courses – 1 hour for every hour of instruction.

NOTE: Authority cited: Section 8525, Business and Professions Code.

Reference: Section 8593, Business and Professions Code.

HISTORY

1. Amendment filed 6-13-91; operative 7-13-91 (Register 91, No. 41).
2. Amendment of subsections (c), (d), (g), (h) and (l) and new subsection (m) filed 5-12-94; operative 6-13-94 (Register 94, No. 19).
3. Amendment of subsections (d) and (h) filed 3-6-95; operative 4-5-95 (Register 95, No. 10).
4. Amendment of subsections (d) and (m) filed 3-13-96; operative 4-12-96 (Register 96, No. 11).
5. Change without regulatory effect amending subsections (c), (d), (g) and (h) filed 3-26-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 13).
6. Amendment filed 7-6-2005; operative 8-5-2005 (Register 2005, No. 27)

§1951. Examination in Lieu of Continuing Education.

In lieu of continuing education, a licensee may qualify for renewal by taking and passing an examination designed by the Board to cover developments in the field of pest control. Licensees who choose this method of qualifying for renewal may take this examination only once, and must take the examination no earlier than one year prior to their license expiration date. A score of 70% shall be considered a passing grade on this examination.

NOTE: Authority cited: Section 8525, Business and Professions Code.

Reference: Sections 8560(c) and 8593, Business and Professions Code.

§1951. Examination in Lieu of Continuing Education.**HISTORY**

1. Amendment of section filed 8-12-96; operative 9-11-96 (Register 96, No. 33).
2. Amendment filed 7-6-2005; operative 8-5-2005 (Register 2005, No. 27).

§1953. Approval of Activities.

(a) Providers of activities of continuing education in pest control shall request approval as a provider and of activities on forms provided by the Board (See Form 43M-18 (Rev. 6/02) at the end of this section) accompanied by the required fees. Requests for approval of activities must be submitted to the Board no later than 60 days prior to presentation of the activity unless exception is granted by the Registrar.

(b) All providers must notify the Board 30 days prior to the presentation of any board approved activity, unless exception is granted by the Registrar.

(c) All providers must submit a course attendance roster (See Form No. 43M-46(New 3/93) at the end of this section) to the Structural Pest Control Board within five working days after every course instructed.

(d) After giving the provider a written notice and an opportunity to respond, the Board may withdraw approval of any activity, when good cause exists. Good cause shall include, but not be limited to, failure actually to meet the standards for approval of activities which are outlined in subsection (f) of this section.

(e) Unless otherwise indicated on the written notification of approval, or unless an approval is withdrawn by the Board at an earlier date, approval of each activity shall remain in effect for 3 years.

(f) In order to be approved, activities must be:

- (1) Directly related to the field of structural pest control;
- (2) Provided by an institution, association, university, or other entity assuming full responsibility over the course program;
- (3) Composed of a formal program of learning which requires:
 - (A) attendance and participation,
 - (B) at least one hour of instruction,
 - (C) a syllabus (detailed outline of the main points of the curriculum)
 - (D) a certificate of completion on Form No. 43M-38 (NEW 5/87) (which is printed at the end of this section); and,
- (4) Conducted by an instructor who has qualified by meeting two of the following experience requirements:
 - (A) Completion of training in the subject of the activity,
 - (B) Six months' experience working in the area covered by the activity within the preceding three years,
 - (C) Experience teaching a activity of similar content within the preceding five years,
 - (D) Completion of any post-secondary studies related to the subject matter of the activity,
 - (E) Author of the activity being reviewed, or a credentialed instructor.